

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

BEVERLY ABBOTT-DAVIS,

Plaintiff,

v.

Case No. 8:19-cv-2819-TPB-CPT

THE UNITED STATES,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is before the Court on consideration of the report and recommendation of Christopher P. Tuite, United States Magistrate Judge, entered on February 25, 2022. (Doc. 31). Judge Tuite recommends that the United States' motion for summary judgment (Doc. 20) be denied. Neither Plaintiff nor the United States filed an objection to the report and recommendation, and the time to object has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); 718 F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district court must "make a de novo determination of those portions of the [report and recommendation] to which an objection is made." 28 U.S.C. § 636(b)(1)(C). When no objection is filed, a court reviews the report and recommendation for clear error. *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006); *Nettles v. Wainwright*, 677 F.2d 404, 409 (5th Cir.

1982).

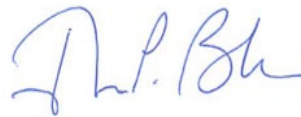
Upon due consideration of the record, the Court adopts the report and recommendation. The Court agrees with Judge Tuite's detailed and well-reasoned factual findings and legal conclusions. Consequently, the United States' motion for summary judgment is denied.

Accordingly, it is

**ORDERED, ADJUDGED, and DECREED:**

- (1) Judge Tuite's report and recommendation (Doc. 31) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) The United States' motion for summary judgment (Doc. 20) is **DENIED**.

**DONE** and **ORDERED** in Chambers, in Tampa, Florida, this 14th day of March, 2022.



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**TOM BARBER**  
**UNITED STATES DISTRICT JUDGE**